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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/633,302

08/04/2003

John B. Howard

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22428

7590

05/19/2006

FOLEY AND LARDNER LLP
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3000 K STREET NW
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EXAMINER

PHAN, DAO LINDA

ART UNIT

PAPER NUMBER

3662

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,302

Applicant(s)

HOWARD, JOHN B.

Examiner

Dao L. Phan

Art Unit

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17,27-47,49-51,76-84,86-89,91-93 and 96 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17,27-31,36-47,49-51,76-78,82-84,86-89 and 91-93 is/are allowed.
- 6) ☒ Claim(s) 32-35,79-81 and 97 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Amendment received on 4/3/06 has been entered in this application.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 32-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith (US 2003/0001722) or Black (US 2001/0055411).

Smith teaches a method of making an intelligent label including the steps of obtaining a radio frequency transponder 34 coupled to a fingerprint sensor system (41, paragraph 0017, 0043-0044) attaching the radio frequency transponder 34 and the fingerprint sensor system (41, paragraph 0017, 0043-0044) to a thin sheeted substrate 21.

Black teaches a method of making an intelligent label including the steps of obtaining a radio frequency transponder (paragraph 0051-0054) coupled to a fingerprint sensor system (fig. 1b), and attaching the radio frequency transponder (paragraph 0051-0054) and the fingerprint sensor system (fig. 1b) to a thin sheeted substrate.

4. Claims 79-81, 97 are rejected under 35 U.S.C. 102(b) as being anticipated by Bickley et al (Pat. No. 5,430,441) or Tyren et al (Pat. No. 5,557,085).

Bickley et al teach a method of making an intelligent label including the steps of obtaining a radio frequency transponder 14 coupled to a magnetic field sensing system (abstract; col 9, lines 23-31), and attaching the radio frequency transponder 14 and the magnetic field sensing system (abstract; col 9, lines 23-31) to a substrate 20.

With regard to claim 97, Bickley et al teach an intelligent label including a radio frequency transponder coupled to a magnetic field sensing system (abstract; col 9, lines 23-31) adapted to determine at least one of (a) direction, (b) heading (c) position and (d) movement based on a sensed magnetic field, and a thin sheeted substrate 20, the radio frequency transponder 14 and the magnetic field sensing system (abstract; col 9, lines 23-31) being attached to the substrate, wherein the substrate is a thin sheeted substrate 20.

Tyren et al teach a method of making an intelligent label including the steps of obtaining a radio frequency transponder 11 coupled to a magnetic field sensing system 16, and attaching the radio frequency transponder 11 and the magnetic field sensing system 16 to a substrate 17.

With regard to claim 97, Tyren et al teach an intelligent label including a radio frequency transponder 11 coupled to a magnetic field sensing system 16 adapted to determine at least one of (a) direction, (b) heading (c) position and (d) movement based on a sensed magnetic field, and a thin sheeted substrate 17, the radio frequency transponder 11 and the magnetic field sensing system 16 being attached to the substrate, wherein the substrate is a thin sheeted substrate 17.


5. Claims 17, 27-31, 36-47, 49-51, 76-78, 82-84, 86-89, 91-93, 96 are allowed.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dao L. Phan whose telephone number is (571)272-6976. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (571)272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DAO L. PHAN
ATTORNEY FOR APPLICANT